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FISCAL IMPACT STATEMENT

LS 7692

BILL NUMBER: HB 1984

NOTE PREPARED: Jan 8, 2003

BILL AMENDED:

SUBJECT: Human Cloning.

FIRST AUTHOR: Rep. Orentlicher

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill declares that reproductive cloning is against public policy. It prohibits the state and a political subdivision of the state from using public funds, facilities, or employees to support reproductive cloning activities. The bill requires the State Department of Health to revoke the license of a hospital that participates in reproductive cloning and requires the Medical Licensing Board to revoke the license of a physician who participates in reproductive cloning. The bill makes the following activities a Class D felony: (1) Participating in reproductive cloning, or (2) Shipping or receiving a human embryo created through cloning for the purpose of engaging in reproductive cloning.

Effective Date: Upon passage.

Explanation of State Expenditures: This bill prohibits the state, or any political subdivision, from using any public funds, facilities, or employees to support any activities related to implantation of a human embryo created through cloning into a woman's uterus to initiate pregnancy, to be known as reproductive cloning. This provision prohibits the administrative agencies, universities, and local governmental units from spending state funds or devoting state resources to the specified activity. The extent of general cloning research being done at state-sponsored universities is unknown.

The bill also requires the State Department of Health to revoke the license of a hospital if the State Health Commissioner proves by a preponderance of the evidence that the hospital knowingly allowed reproductive cloning or attempts at reproductive cloning, or knowingly allowed the hospital's employees to participate in or attempt reproductive cloning. The bill further requires the Medical Licensing Board to revoke a physician's license if the Attorney General after appropriate notice and the opportunity for a hearing, proves by a preponderance of the evidence that the physician participates in or otherwise supports research or other

activities facilitating reproductive cloning. This provision could result in additional administrative expenses for the Attorney General's office.

Additionally, the bill establishes a Class D felony for knowingly or intentionally participating or attempting reproductive cloning, or ships or receives a human embryo created through cloning for the purpose of engaging in reproductive cloning. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Department of Health, Medical Licensing Board, Attorney General, State-supported Universities, and the Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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